IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

TUESDAY, THE 20TH MARCH 2007 / 29TH PHALGUNA 1928

Bail Appl..No. 1511 of 2007()

CRIME NO.68/07 OF ERATTUPETTA POLICE STATION

: PETITIONER/ACCUSED

C.M.SAHEER, S/O.MUHAMMED,
CHIRAPPARAYIL HOUSE, ERATTUPETTA,
KOTTAYAM DISTRICT.

BY ADV. SRI.SALIM V.S.

RESPONDENTS: COMPLAINANT

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1. S.I. OF POLICE, ERATTUPETTA.

2. STATE REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 20/03/2007 ALONG WITH BA.1599/07, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

B.A. Nos.1511 and 1599 OF 2007

Dated this the 20th day of March, 2007

O R D E R

Petitioners, who are accused Nos.4 and 2 respectively in Crime No.68/07 of Erattupetta Police Station for offences punishable under sections 143, 144, 341, 323, 324 and 308 read with section 149 IPC and section 27 of the Arms Act, 1959, seek anticipatory bail.

2. Learned Public Prosecutor opposed the application.

3. The case of the prosecution is that at about 9.30 p.m. on 20.2.07 the accused persons armed with deadly weapons such as iron rod, sword stick, etc. attacked the defacto complainant causing injuries on him. The weapons of attack are also to be recovered. Anticipatory bail cannot be granted in a case of this nature. But at the same time, I am inclined to permit the petitioners to surrender before the Investigating Officer for the purpose of interrogation and then to have their application for regular bail considered by the Magistrate concerned. Accordingly, the petitioners are directed to surrender before the Investigating Officer on any day between 26.3.2007 and 28.3.2007 for the purpose of interrogation and recovery of incriminating materials, if any. The petitioners shall, thereafter, be produced on the same day before the concerned Magistrate, who shall consider and dispose of the application, if any, filed by the petitioners for regular bail, preferably on the same date on which it is filed.

This application is disposed of as above.

(V. RAMKUMAR, JUDGE)

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